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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,606	09/26/2001	John English	ENG-01	7831
23508	7590	09/25/2006	EXAMINER	
LUNDEEN & DICKINSON, LLP			NGUYEN, KIEN T	
PO BOX 131144			ART UNIT	PAPER NUMBER
HOUSTON, TX 77219-1144			3711	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/682,606	ENGLISH, JOHN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kien T. Nguyen	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 11 April 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-3, 5-14 and 16-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3, 5-14, and 16-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

In light of Applicant's position of the date of pages of the catalogs "WRESTLING MATS", Wrestler's world [www.suplay.com](http://www.suplay.com). The prosecution of the present application is now reopened in view of the below rejections.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 6, 8-14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson ('463) in view of Applicant's Admitted Prior Art (AAPA) and Sweeney et al.

Jackson disclosed a mat (9) removably disposed in a pugilist corner adjacent to a respective post so as to overlie a portion of the floor at the corner; a seat area; the mat disposed outwardly of the central area for catching fluids from administering to the boxer when seated on the seat, whereby the mat is secured in place against the floor by the weight of the boxer on the seat; a cutout for the post (Figs. 1 and 3) formed in a corner of the mat; first and second edges (9, 11) of the mat extending between end of the first and second edges opposite the cutout, a printable area on the mat for recording boxer data (col. 2, lines 3-5). It is noted that Jackson failed to teach the claimed boxing ring configuration. However, AAPA teaches that the typical boxing ring configuration comprising a ring with opposing corners and that the boxer retires to his corner between rounds, sits on a seat, and the ring floor is subjected to various liquids administered to

or exuding from the boxer. Therefore, it would have been obvious to one of ordinary skill in the art to modify the ring of Jackson with the boxer ring configuration as disclosed by the Applicant for the purpose of providing "...safe boxing...event conditions during both training and competitive events (col. 1, lines 55-58 of Jackson).

It is also noted that the combination of Jackson in view of AAPA as discussed above lacks the teaching of customizable indicia on the mats. Jackson discloses the claimed invention except for the specific arrangement and/or content of indicia (printed matter) set forth in the claims. It would have been obvious to one having an ordinary skill in the art to place the desired indicia (e.g., logo, match data, etc.) in any orientation of the mat surface, since it would only depend on the intended use of the assembly and the desired information to be displayed. Furthermore, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. *In re Gulack* 217 USPQ 401, (CAFC 1983). The fact that the content of the printed matter placed on the substrate may render the device more convenient by providing an individual with a specific type of printable indicia does not alter the functional relationship. Mere support by the substrate for the printed matter is not the kind of functional relationship necessary for patentability. Thus, there is no novel and unobvious functional relationship between the printed matter e.g., indicia and the substrate e.g., the mat which is required for patentability. Furthermore, it would have been obvious to one having ordinary skill in the art to place the desired indicia in any orientation on a mat, since it has been held the

rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

With regards to the method claims 8-14, 16 and 17, the disclosed structure of Jackson in view of AAPA is inherently capable of performing the claimed method.

With regards to claims 7, 18, and 19, it is noted that Jackson in view AAPA failed to disclose an absorbent mat with multiple layers. However, Sweeney et al teaches an absorbent three-ply mat structure comprising an upper absorbent layer (32), lower absorbent layer (28) and intermediate layer (30). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Jackson as modified by AAPA with the multi-layered mat as taught by Sweeney et al for the purpose of providing a more absorbent slip-resistant mat assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kien T. Nguyen  
Primary Examiner  
Art Unit 3711

Ktn